



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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November 9, 2007

Dr. Roy E. Crabtree
Regional Administrator
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263 13th Avenue South
St. Petersburg, Florida 33701

Subject: EPA NEPA Comments on NOAA DEIS for the "Snapper Grouper
Amendment 15A"; South Atlantic Fishery Management Council;
South Atlantic Ocean; CEQ No. 20070431; ERP No. NOA-E91020-00

Dear Dr. Crabtree:

Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the National Oceanic and Atmospheric Administration's (NOAA) Draft Impact Statement (DEIS) for Snapper Grouper Amendment 15A. The DEIS was prepared for NOAA by the South Atlantic Fishery Management Council (Council). This amendment concerns the continued rebuilding of the overfished South Atlantic stocks of the snowy grouper (*Epinephelus niveatus*), black sea bass (*Centropristis striata*) and red porgy (*Pagrus pagrus*) by updating management reference points, modify rebuilding schedules and defining rebuilding strategies. EPA has provided NEPA comments on previous amendments (12 & 13C) for these species.

The adjusted recovery of these species and the effects of the proposed rebuilding plans are addressed in the DEIS, with emphasis on rapid implementation of such adjusted rebuilding plans. Setting a practical minimum stock size threshold (MSST) for the snowy grouper that allows a large enough buffer between overfishing and recovery thresholds was also considered. This would avoid potentially frequent changes in stock status (and its associated administrative issues) by natural variations in recruitment more so than by fish harvesting.

Overall, EPA supports Amendment 15A since we agree with periodic adaptive management of rebuilding plans in the course of managing fish stocks. However, we offer the following general and specific comments and suggestions that we request be considered in the final EIS (FEIS). In general, we would prefer that fishery management emphasizes shorter recovery schedules through reduced fishing pressure, and incorporation of ecosystem management rather than target species management.

General Comments

► **Reference Points** – These numerical/biological benchmarks that measure stock status and rebuilding plan performance include MSY, OY, MSST and MFMT, and are required for each fishery management plan (FMP) by the reauthorization of the Magnuson-Stevens Act (MSA). We agree with the need for and use of these numeric reference points as a basis of fishery management, and their periodic re-assessment through stock assessments to determine stock condition and management success. We defer to NOAA and the Council for the generation of these fishery statistics.

► **Implementation Rate** – EPA supports the rapid implementation of rebuilding plans to the extent feasible, but only after the plan is deemed by peer review to be adequate and complete. Subsequently, the performance of the rebuilding plans should also be periodically assessed and adapted as appropriate. Moreover, as we have indicated in previous NEPA reviews, EPA emphasizes the resource (fish stocks) in recovery plans and supports more rapid recoveries of fish stocks that employ shorter rebuilding schedules (although not without consideration of societal/fisher effects). Ideally, rapid recovery of the stocks back to MSY or OY levels should be the primary management goal. This would require minimizing fish harvesting during recovery but still allow the maintenance of the fishery.

► **Ecosystem Approach** – EPA also supports management of a fishery in concert with its ecosystem. This often includes the broader co-management of other managed and unmanaged fish species within the ecosystem for overall management success, as opposed to singular management of the target species.

Specific Amendment 15A Comments

► **No Action MSY & OY** – The summary table (pg. XX) for the alternatives for the three species considered does not always include data for the “MSY value” and “OY value”. The MSY and OY weight data for the alternatives presented can therefore not be compared to the current condition. Were such data not available from current fishery management? We also suggest that the weight data presented in this table be compared to a benchmark for public reference (i.e., what does 313,056 lbs in whole weight mean for snowy grouper, and what is the magnitude of these landings compared to a benchmark of common knowledge to the reader?). Even without such a benchmark, however, we are pleased to note that most of the preferred alternatives identified propose a mid-level (as opposed to an extreme) MSY or OY value.

► **Snowy Grouper MSST** – It is unclear why the preferred MSST Alternative 3 (pg. XXI) is a lower whole weight value compared to the no action (status quo), given that the snowy grouper is currently overfished. It would seem that a higher level (i.e., stock is considered overfished sooner) might allow for a faster recovery of the resource. The FEIS should discuss this, and indicate if this preference is perhaps related to the

management goal to broaden the buffer between overfishing and recovery thresholds for this species.

► ***Recovery Schedules*** – The preferred alternatives identified in the DEIS for the snowy grouper and black sea bass extend the schedules of the current no action schedule into seemingly long-term schedules. As a benchmark, the FEIS should indicate what an average recovery time is for most species and how MSA addresses recovery time. As previously indicated, EPA overall prefers a recovery schedule that restores the resource more rapidly. We offer the following comments:

* Black Sea Bass - In the case of the sea bass, the existing current (no action) schedule for recovery is 10 years, which began in 1991 (pg. XXIV). The DEIS-identified preferred Alternative 4 proposes 10 more years with 2006 as Year 1. A 10-year recovery seems reasonable; however, given that management started in 1991, this would result in a cumulative 25 year recovery period assuming success by 2016. Alternative 3 (8-yr recovery or 23 total yrs by 2014) should also be further considered since it would reduce the recovery time. The FEIS should discuss why the preferred TAC level (Alt. 1) could not be less than the preferred 874,000 lbs whole weight to hasten recovery.

* Snowy Grouper – The current no action recovery schedule is a 15-year schedule that started in 1991 (pg. XXI). The DEIS-identified preferred Alternative 4 proposes a schedule of 34 years, with 2006 being Year 1. Cumulatively, this would equal to a 48-year schedule since 1991. This seems excessive and should be discussed in the FEIS with possible reductions in TAC considered to expedite the recovery. We agree that Alternative 2 would not seem reasonable since it proposes no fish mortality (no fishing) and note that Alternative 3 still proposes a long recovery (23.5 yrs starting with 2006 and a total of 37.5 yrs since 1991). We therefore suggest that another alternative between Alternatives 2 and 3 be considered because of its intermediate recovery schedule that is less than 3 and more than 2 (to allow some harvesting), and notably less than 4. Also, is a recovery time as long as 34 or 48 years consistent with MSA?

* Red Porgy – No recovery schedule was proposed. We assume that the existing schedule is ongoing and is still considered adequate. The FEIS should discuss this.

► ***Ecosystems Management*** – The DEIS acknowledges the merits of a shorter recovery schedule but also cites its management problems. Page XXVI states that “...the biological/ecological benefits of a shorter schedule are generally greater than those of an intermediate schedule and the benefits of the intermediate schedule are generally greater than those of the maximum recommended schedule.” We agree. However, page XXVI also states that “...since snowy grouper and black sea bass are part of a multi-species fishery, it is not possible to rebuild these stocks in the shortest time frame unless harvest of co-occurring species is also restricted.” We suggest, consistent with the ecosystem management approach, that such co-occurring species be managed together with the snowy grouper for the benefit of the snowy grouper, in order that the recovery time of the grouper be reduced to a more reasonable time frame.

Finally, page XXVI states that "...the longest schedule would support an allowable harvest level that is basically a "bycatch quota", enabling snapper grouper fishermen to retain incidentally encountered snowy grouper when targeting co-occurring species" and "...the magnitude of snowy grouper and black sea bass discards would be less for longer rebuilding schedules than for those of shorter duration." The FEIS should clarify these statements. In contrast, it would seem that a longer recovery time would allow for maximum fishing pressure during recovery resulting in a greater harvest (rather than essentially only the normal snowy grouper and black sea bass bycatch from non-target fisheries for co-occurring species). Moreover, it would seem that more (rather than fewer) discards would be expected if there was more fishing pressure. The requested FEIS discussion should include estimates of the magnitude of the snowy grouper and black sea bass bycatch by non-target fisheries and the survival potential of snowy grouper and black sea bass discards.

► ***Species Lumping*** – For the benefit of the public, we suggest that the FEIS review how species as different as the three considered (even though they are all in the snapper-grouper family) can be lumped into one fishery management amendment (like 15A and previous ones) given the differences in stock condition, habitat and behavior of these species.

► ***EPA DEIS Rating*** – Although some clarification comments were offered for this DEIS, EPA generally supports NOAA on Amendment 15A and gives deference to their fishery expertise. Therefore, EPA rates this DEIS as "LO" (Lack of Objections). Nevertheless, we request that NOAA and the Council directly respond to our comments in a dedicated section of the FEIS.

We appreciate the opportunity to review the DEIS. Should you have questions regarding these comments, feel free to contact Chris Hoberg of my staff at 404/ 562-9619 or hoberg.chris@epa.gov.

Sincerely,



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